

# House File 112 - Introduced

HOUSE FILE 112

BY SALMON

## A BILL FOR

1 An Act relating to alternative or complementary medicine,  
2 including exemptions from disciplinary action for persons  
3 licensed to practice health-related professions and a  
4 limitation on available damages in a civil action, and  
5 including effective date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION. 147.56 **Alternative or complementary**  
2 **medical treatment — exemption from discipline.**

3     1. A person licensed by a board under this subtitle shall  
4 not be subject to discipline under this chapter or the board's  
5 enabling statute based solely on the licensee's recommendation  
6 or provision of alternative or complementary medicine to treat  
7 a patient if the recommendation or provision of such treatment  
8 meets all of the following criteria, as applicable:

9     a. The treatment is provided after informed consent is  
10 received from the patient and a prior examination of the  
11 patient is conducted.

12    b. The licensee identifies a medical reason for recommending  
13 or providing the use of alternative or complementary medicine  
14 to treat the patient.

15    c. The treatment is provided after the licensee informs  
16 the patient about conventional treatment options and describes  
17 to the patient the licensee's education, experience, and  
18 credentials regarding alternative or complementary medicine.

19    d. The treatment will not, in the opinion of the licensee,  
20 result in the direct and proximate death of or serious bodily  
21 injury to the patient.

22    2. For purposes of this section, "*alternative or*  
23 *complementary medicine*" means an unconventional medical  
24 treatment or practice that provides a reasonable potential for  
25 improvement in a patient's condition that is not outweighed by  
26 the risk of the treatment. In instances where there has been  
27 a documented clinical or laboratory diagnosis of lyme disease  
28 or other tick-borne disease, "*alternative or complementary*  
29 *medicine*" may include but is not limited to administration of  
30 oral, intramuscular, or intravenous antibiotics for periods of  
31 greater than four weeks.

32    Sec. 2. Section 147.136, Code 2017, is amended by adding the  
33 following new subsection:

34    NEW SUBSECTION. 1A. Damages in a civil action against a  
35 person licensed by a board under this subtitle relating to the

1 recommendation or provision of alternative or complementary  
2 medicine shall not exceed actual damages if the licensee  
3 satisfied the provisions of section 147.56, unless the licensee  
4 committed gross negligence or willful misconduct.

5     Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
6 immediate importance, takes effect upon enactment.

7                                   EXPLANATION

8             The inclusion of this explanation does not constitute agreement with  
9             the explanation's substance by the members of the general assembly.

10     This bill exempts licensees of health-related professions  
11 provided for in Code chapter 147 from discipline based solely  
12 on the licensee's recommendation or provision of alternative or  
13 complementary medicine to treat a patient if the recommendation  
14 or provision of such treatment meets certain criteria.

15     "Alternative or complementary medicine" is defined by the  
16 bill as an unconventional medical treatment or practice that  
17 provides a reasonable potential for improvement in a patient's  
18 condition that is not outweighed by the risk of the treatment.  
19 In instances where there has been a documented clinical or  
20 laboratory diagnosis of lyme disease or other tick-borne  
21 disease, "alternative or complementary medicine" may include  
22 but is not limited to administration of oral, intramuscular, or  
23 intravenous antibiotics for periods of greater than four weeks.

24     Alternative or complementary medicine may be provided  
25 after informed consent is received from the patient and a  
26 prior examination of the patient is conducted, the licensee  
27 identifies a medical reason for recommending or providing such  
28 treatment, the treatment is provided after the licensee informs  
29 the patient about conventional treatment options and describes  
30 to the patient the licensee's education, experience, and  
31 credentials regarding alternative or complementary medicine,  
32 and the treatment will not, in the opinion of the licensee,  
33 result in the direct and proximate death of or serious bodily  
34 injury to the patient.

35     The bill provides that damages in a civil action against

1 a licensee relating to the recommendation or provision of  
2 alternative or complementary medicine shall not exceed actual  
3 damages if the licensee satisfied the provisions of the bill,  
4 unless the licensee committed gross negligence or willful  
5 misconduct.

6 The bill shall become effective upon enactment.